

REMARKS

In accordance with the foregoing, Claims 1 and 8 have been amended, Claims 2 and 9 have been cancelled, and Claims 15, 16, and 17 have been added. No new matter has been added. Claims 1, 3-8, and 10-17 are pending and under consideration.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

On page 2, numbered paragraph 2 of the Office Action, Claims 1-3, 7-10, and 14 were rejected under U.S.C. §102(b) as anticipated by U.S. Patent No. 5,937,051 to Hurd et al. (hereinafter "Hurd").

Claims 1 and 8 are amended herein to include the features of original Claims 2 and 9, respectively. Claims 2 and 9 have been cancelled.

Hurd is directed to a system transferring a voice component and a data component of a service call.

The present general inventive concept is directed to a user information management program and a user information management device that can reduce the burden on an operator who responds to calls, and that can manage user information so as to be able to respond to users promptly and properly.

Regarding the features claimed in original Claims 2 and 9, the Office Action indicates col. 7, lines 26 to 65 of Hurd as teaching "the information provided by the information provision service includes a plurality of information pieces, and the transmission-record information includes information about a transmission time of each information piece." However, Hurd does not teach or suggest "information about a transmission time of each information piece." In the indicated portion of Hurd, a transfer call is described to have a voice component and a data component, such as a transfer screen, and the receiving station has information about "the caller's name, pertinent account information, any transfer information acquired prior to the need to transfer the call and why the call was transferred to the second call center."¹ The "transmission time of each information piece" is different from all above-mentioned data and information. Hurd does not teach "the information provided by the information provision service includes a plurality of information pieces, and the transmission-record information includes information about a transmission time of each information piece" as recited in amended Claim 1.

¹ See Hurd, col. 7, lines 62-65.

Hurd fails to teach or suggest every feature² recited in Applicant's claims, so that amended Claims 1 and 8 patentably distinguish over the cited prior art. Dependent Claims 3, 7, 10 and 14 depending upon independent Claims 1 and 8, respectively, are also patentable at least due to the patentable features of the independent claims. Accordingly, Applicant respectfully traverses the 102 rejection based on Hurd and requests reconsideration of Claims 1, 3, 7, 8, 10, and 14.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

On page 3, numbered paragraph 4 of the Office Action, Claims 4-6, and 11-13 were rejected under U.S.C. §103(a) as unpatentable over Hurd in view of U.S. Patent No. 6,904,143 to Peterson et al. (hereinafter "Peterson").

Peterson is directed to an apparatus for logging events that occur during a call to a call center that includes an analysis unit to analyze a recording of a complete call to the call center and a memory unit to automatically record, in an event log, information about events that occurred during an interaction between the caller and an interactive voice response (IVR) program of the call center. Peterson does not teach or suggest "information about a transmission time of each information piece", which is the feature that Hurd fails to teach.

Additionally, the Office Action concedes that Hurd does not disclose "the transmission-record information includes data concerning a ratio of amount of each information piece that has been transmitted to the user communication device to total amount of the each information piece," as recited in Claims 4 and 11, and relies on Peterson to teach this feature. The indicated portion of Peterson (i.e., col. 29, lines 23 to 53) refers to a "saving potential," which relates to a ratio of calls handled by IVR to calls handled by an agent. The ratio of calls is not the same as the "ratio of amount of each information piece that has been transmitted to the user communication device to total amount of the each information piece" as recited in Claims 4 and 11 of the present application.

Therefore, even if the combination of Hurd and Peterson is assumed to be proper, the combination fails to teach every element of Claims 4 and 11. Specifically, the combination fails to teach the claimed "information about a transmission time of each information piece" and "the transmission-record information includes data concerning a ratio of amount of each information piece that has been transmitted to the user communication device to total amount of the each

² See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added).

information piece." Dependent Claims 5-6 and 12-13 are also patentable at least by inheriting patentability from Claims 4 and 11 upon which they depend. Accordingly, Applicant respectfully traverses the 103 rejection based on Hurd in view of Peterson and requests reconsideration of Claims 4-6 and 11-13.³

Moreover, Applicant respectfully traverses the rejection based on Hurd and Peterson also because there is insufficient evidence for a motivation to modify Hurd by incorporating Peterson's teachings.⁴ The Office Action indicates no support for the combination in the applied prior art references, and states the result (i.e., "presenting user with a more user friendly information") as sole justification of the combination, which amounts to inadequate hindsight.

New claims 15 - 17

In order to vary the scope of protection recited in the claims, new Claims 15 and 16 are added. New Claims 15-17 find non-limiting support in the disclosure as originally filed, for example, Figs. 1 and 10 and their corresponding description in the specification, as well as Claims 1 and 8. Claims 15 –17 patentably distinguish at least by reciting "supporting information which supports response communication for an operator using the operator terminal device based on the transmission-record information." No new matter has been added.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

³ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added).

⁴ See MPEP 2143.01 stating "[o]bviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art," (citations omitted). See also MPEP 2144.08 III stating that "[e]xplicit findings on motivation or suggestion to select the claimed invention should also be articulated in order to support a 35 U.S.C. 103 ground of rejection. . . . Conclusory statements of similarity or motivation, without any articulated rational or evidentiary support, do not constitute sufficient factual findings."

Serial No. 10/785,092

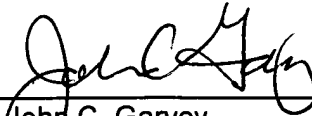
Docket No.: 1341.1191

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 3-31-06

By: 
John C. Garvey
Registration No. 28,607

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501